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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,185	10/29/2001	James Earl Mathis	PF02248NA	7245

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EXAMINER

SING, SIMON P

ART UNIT PAPER NUMBER

2645

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/038,185

Applicant(s)

MATHIS, JAMES EARL

Examiner

Simon Sing

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15 and 16 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-13, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDowell et al. US 6,668,167 in view of Brederveld et al. US 5,898,679.

1.1 Regarding claim 1, McDowell discloses an apparatus for sharing mobile user event information in figure 1. McDowell's apparatus comprises:

a plurality of communication devices 22-28, each associated with a contact list, or a buddy list for instant messaging (column 4, lines 51-58; column 1, lines 29-44);

a cellular network 10, capable of broadcast (multicast) communication with the plurality of communication devices 22-28, the network 10 being effective to provide a message, including the presence information about a group identified by the contact list, to the plurality of communication devices (column 1, lines 29-44; column 4, lines 33-37, 51-67; column 5, lines 1-2); wherein the plurality of communication devices receive the message and extract and display the presence information about the group from the message (column 1, lines 29-44; column 4, lines 33-43, 51-56).

McDowell teaches using packet network device (mobile event server, or MES) to broadcast the message, but fails to specifically teach using a multicasting address for sending out the message.

However, Brederveld discloses a wireless messaging system in figure 1. Brederveld teaches communicating with a plurality of mobile stations MS 120-122 and 130-132 (column 4, lines 2-9), and sending messages a plurality of end-stations by a multicasting address (column 5, lines 8-26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the McDowell's reference with the teaching of Brederveld, so that the message, including presence information, would have been sent to a plurality of communication devices within a contact list using a single multicasting address, because such a modification would have clarified McDowell's teaching of how the message was sent and using a single multicasting address would have reduced airtime by sending the message only once, thus avoiding repeatedly sending the message to each individual communication device.

1.2 Regarding claim 2, as discussed in claim 1, network 10 provides presence information to each communication device (column 4, lines 33-37, 51-67; column 5, lines 1-2).

1.3 Regarding claim 3, as discussed in claim 1, the McDowell' reference, modified by Brederveld, teaches that each communication device is able (configured) to receive the message identified by the multicasting address.

1.4 Regarding claim 4, it is inherent that each communication device provides its contact list to wireless network 10 (including mobile event server) and each communication device stored the list for its user's reference (column 4, lines 33-37).

1.5 Regarding claim 5, McDowell teaches that the mobile event server (MES) stores the buddy (contact) list of each communication device (column 5, lines 40-49) and provides the presence information to the plurality of communication devices (column 1, lines 29-44; column 4, lines 33-43) (Note: the presence information inherently includes online status, i.e. who is online and who is offline. See Applicant's disclosure (specification), page 1, lines 16-19).

1.6 Regarding claim 6, as discussed in claim 1, the McDowell's reference, modified by Brederveld, teaches generates one single multicasting address when a group of communication devices are setup with the wireless network 10.

1.7 Regarding claim 7, as discussed in claim 1, the wireless network 10 generates the multicasting address by selecting the wireless communication devices 22-28.

1.8 Regarding claim 8, as discussed in claim 1, McDowell teaches contact (buddy) list corresponding to members of a group of multicasting devices 22-28.

1.9 Regarding claim 9, McDowell discloses a method for sharing mobile user event information in figure 1. McDowell teaches:

establishing connection between wireless network 10 and wireless devices 22-28 (column 5, lines 13-17);

accessing a contact (buddy) list of each communication device by the wireless network 10, each contact list being capable of identifying devices of a plurality of communication devices (column 4, lines 33-43, 51-58; column 1, lines 29-44);

the cellular network 10, capable of broadcast (multicast) communication with the wireless devices 22-28, and delivering a presence information message (column 1, lines 29-44; column 4, lines 33-37, 51-67; column 5, lines 1-2); wherein the wireless devices receive the message and extract and display the presence information of group of wireless (column 1, lines 29-44; column 4, lines 33-43, 51-56).

McDowell teaches using packet network device (mobile event server, or MES) to broadcast the message to the wireless devices, but fails to specifically teach generating a multicasting address for sending out the message, and forwarding the multicasting address to the wireless devices 22-28.

However, Brederveld discloses a wireless messaging system in figure 1. Brederveld teaches communicating with a plurality of mobile stations MS 120-122 and

130-132 (column 4, lines 2-9), and sending messages a plurality of end-stations by a multicasting address (column 5, lines 8-26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the McDowell's reference with the teaching of Brederveld, so that the message, including presence information, would have been sent to a plurality of communication devices within a contact list using a single multicasting address, because such a modification would have clarified McDowell's teaching of how the message was sent and using a single multicasting address would have reduced airtime by sending the message only once, thus avoiding repeatedly sending the message to each individual communication device.

1.10 Regarding claim 10, as discussed in claim 9, network 10 provides presence information to each wireless device (column 4, lines 33-37, 51-67; column 5, lines 1-2).

1.11 Regarding claim 11, as discussed in claim 9, the McDowell' reference, modified by Brederveld, teaches that each wireless device is able (configured) to receive the presence information message identified by the multicasting address.

1.12 Regarding claim 12, McDowell teaches that each wireless device provides its contact (buddy) list to wireless network 10, including mobile event server, during initial setup (column 4, lines 33-37), and it is inherent that each wireless device stored the contact list for its user's reference.

1.13 Regarding claim 13, McDowell teaches that the mobile event server (MES) stores the buddy (contact) list of each wireless device (column 5, lines 40-49), and as discussed in claim 9, forwards (provides) the multicasting address to a group of a plurality of wireless devices.

1.14 Regarding claim 15, as discussed in claim 9, the wireless network 10 generates the multicasting address by selecting the wireless communication devices 22-28.

1.15 Regarding claim 16, as discussed in claim 9, McDowell teaches contact (buddy) list corresponding to members of a group of multicasting devices 22-28.

Allowable Subject Matter

2. Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

2.1 The following is a statement of reasons for the indication of allowable subject matter: Claim 14 discloses a method for generating a multicast address assigned to a group of communication devices. The steps of cross-correlation between entries of contact lists, filtering out less prominent communication devices, determining a number

(N) of multicasting addresses available for assignment, and clustering communication devices to form N clusters of multicast addresses as claimed in current invention are not taught by McDowell, Brederveld or Famolari (US 6,611,510), either alone or in combination.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


a) Famolari et al. US 6,611,510 teaches a method of assigning multicasting addresses to mobile telephones (Abstract; column 9, lines 42-67; column 10, lines 1-16).

b) LaPorta et al. US 5,974,300 teaches sending a message to a multicast group sharing a single multicast address (column 11, lines 6-12).

4. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is (703) 305-3221. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 2645

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.



S.S.

04/16/2004

FAN TSANG
SUPERVISORY PATENT EXAMINER
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